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IN THE

Supreme Court of the United States

OCTOBER TERM, 1963

Case No. 767

In the Matter of the
UNAUTHORIZED PRACTICE OF LAW

In re J. HARVEY CROW, *Appellant*

On Appeal From the Supreme Court of Ohio

REPLY BRIEF TO MOTION TO DISMISS

J. HARVEY CROW
St. Paris, Ohio
In Propria Persona

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STATUTE INVOLVED

Ohio R. C. 2945.12 When accused may be tried in his absence.

> "A person indicted for a misdemeanor, upon request in writing subscribed by him and entered in the journal, may be tried in his absence by a jury or by the court. No other person shall be tried unless personally present, but if a person indicted escapes or forfeits his recognizance after the jury is sworn, the trial shall proceed and the verdict be received and recorded. If

the offense charged is a misdemeanor, judgment and sentence shall be pronounced as if he were personally present. If the offense charged is a felony the case shall be continued until the accused appears in court, or is retaken."

STATEMENT

In the statement of the case in the motion filed to dismiss the appeal it is correctly stated that an application was filed in the Supreme Court of Ohio by the Unauthorized Practice of Law Committee of the Ohio State Bar Association on October 1, 1958. Phillip K. Folk signed said application as counsel for the applicants and represented said committee as its attorney.

An answer was filed denying the allegations of the application and setting up four affirmative defenses. The Ohio Supreme Court, without assigning the case for trial, without a hearing, without any evidence, did on the 26th day of June, 1959, find the appellant, J. Harvey Crow, guilty of criminal contempt of court.

An application was filed by J. Harvey Crow for rehearing requesting the court to vacate its own order. On October 21, 1959, the court granted the application and vacated its own order of June 26. On the same day, without any evidence, or without any trial, the Ohio Supreme Court entered an order finding J. Harvey Crow guilty of contempt and ordered him

> "to cease forthwith the practice of law and the holding out of himself, in any manner and in any court, as an attorney at law."

On May 3, 1963, Lyman Brownfield filed an application in the Supreme Court of Ohio. A copy of said application is found in Appendix pages 1a thru 4a.

Service of the application and order to show cause was made on the appellant May 6. J. Harvey Crow filed a motion with the court to extend the time to answer to June

15, 1963, to enable J. Harvey Crow to secure legal counsel and have them present this matter to the Ohio Supreme Court. Being unable to secure legal counsel by June 15, the appellant filed a motion to make the application as set forth in *a* to *h*, inclusive, definite and certain. The court did not rule upon this motion, but in compliance with said motion there was filed and sworn to by William B. Saxbe, Attorney General of Ohio, supplement to application.

At the hearing on May 29 and November 19 there appeared Larry Snyder, Chief Counsel in the Attorney General's Office, to prosecute this action. When Larry Snyder appeared in these proceedings, appellant took for granted that he was representing the Committee for the Unauthorized Practice of Law.

It was not until the motion to dismiss the appeal was filed that his true status was disclosed. It says

"As Attorney for the Supreme Court of Ohio"

It is interesting to note that the full resources of the Attorney General of Ohio are on one side of this case and a small insignificant citizen is being prosecuted. It is also significant that the court itself was being represented in these proceedings rather than the committee.

Why does the Supreme Court of Ohio, which is supposed to be a fair, just, unbiased tribunal, need an attorney to represent it in a criminal contempt proceeding which it is hearing?

Why should the Supreme Court of Ohio have its attorney file anything in a proceeding to vacate, reverse, or modify its own decision?

What right does the Supreme Court have to have its attorney prosecute and then try to uphold its own decision in the United States Supreme Court? In other words the full resources of the Attorney General's office and the full resource of the Ohio Supreme Court, the trial court in this

case, have been used to find the appellant, who is only one of ten million people in Ohio with no financial backing, guilty of criminal contempt.

The committee has never appeared in this case after filing its application.

An examination of the application shows 26 lawyers on that committee. Surely one could have appeared for the committee instead of the Ohio Supreme Court having its own attorney to prosecute.

CONTEMPT NO. 1.

The Supreme Court found the appellant guilty of criminal contempt of court in practicing law as appears from the record filed in this court in the case of *Eidmiller* v. *Kerns* on appeal from the Court of Appeals from Union County as shown by the entry Appendix 2a, Jurisdictional Statement.

In item 6 in said entry the court found that

> "Respondent did practice law as stated in said show cause order of May 6, 1963."

On page 7 of the motion to dismiss filed by the Attorney General of Ohio as the attorney for the Supreme Court of Ohio it says:

> "evidence was introduced to show that the record of the case of Eidmiller v. Kerns, No. 298, Court of Appeals, Union County, assignment of errors and brief was, pursuant to a notice of appeal by petitioner, filed in the Supreme Court of Ohio and is an official file of the Supreme Court of Ohio (May 29, 1963, Transcript pp. 3, 4)."

It does show a file entitled *Eidmiller v. Kerns* was *offered into evidence*. It had not been filed in the Supreme Court of Ohio—Affidavit Jurisdictional Statement.

On November 19, Mr. Snyder said,

> "Notice of appeal was filed in the Court of Appeals of Union County and their files *were sent here.*"

There is a great difference between *were sent here* and *filed in Supreme Court.* There is absolutely no evidence in this case at any time or any place that this appellant prepared anything, filed anything, or did anything in the case of *Eidmiller v. Kerns*, except the court saying in its order of May 6, that unless a written answer positively verified, specifically denying the statement made therein shall be taken as true. We cannot believe that any court can establish a fact in a criminal contempt proceeding for the purpose of finding a person guilty in such a manner.

Just as conviction upon a charge not made would be sheer denial of due process,[1] so is it a violation of due process to convict and punish a man without evidence of his guilt.[2]

There certainly should not be any distinction between the manner of proving guilt against a person charged with a misdemeanor and a person charged with criminal contempt.

Conviction of the appellant was based upon the file introduced into evidence on May 29, when the appellant was not present, had not been personally served, was outside the state, and had not received a copy of the order until after May 29. See Record.

Reading the Ohio Statute on contempt would indicate that the accused should be present when any trial is had. Ohio R. C. 2945.12 provides that no person shall be tried unless personally present. However, if charged with a misdemeanor, and the person so charged request in writing, he may be tried in his absence. Surely a person charged with criminal contempt where the penalty imposed could be more severe than many misdemeanors should be afforded the same protection as those charged with crimes. They

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[1] *Dejonge* v. *Oregon*, 299 U.S. 353; *Cole* v. *Arkansas*, 333 U.S. 196.

[2] *Thompson* v. *Louisville*, 363 U.S. 199; *Schware* v. *Board of Bank Examiners*, 353 U.S. 232; *Moore* v. *Dempsey*, 261 U.S. 86; *Yick Wo* v. *Hopkins*, 118 U.S. 356; *Tot* v. *U. S.*, 319 U.S. 463, 473.

would be incarcerated in the same dark, cold, bleak place. It has the same hard sheer steel bars, the same iron bed with the same cold cement flooring, the same dingy eight by ten room for three occupants, whether it be criminal, contempt or petit larceny.

Each individual should have the same protection of the law. *Thompson* v. *Louisville*, 363 U.S. 199, protects a person against a misdemeanor. This court should protect a person against criminal contempt proceedings.

In a footnote on page 7 of the Motion to Dismiss, a statement was made that there was notice and a hearing. There was not a single piece of evidence introduced against this appellant on May 29, even though he was not present.

On page 8 the footnote says the record was sent to the Supreme Court in response to the notice of appeal *filed* by petitioner. There is no evidence that the appellant's signature appears on the notice of appeal. There i no evidence that he authorized anyone else to sign his name. In other words, there is not one piece of evidence in this record that any instrument was signed by the appellant.

Item 5 of the Entry of November 19, found in the Jurisdictional Statement, Appendix 1a, says the appellant has done nothing to comply with the show order of May 6 and made no attempt to appear before this court prior to November 13, 1963. The clerk's office discloses that the appellant sent a telegram to the court from Chicago advising them that the appellant would have counsel contact the court as soon as counsel could be obtained and would personally contact the court upon return to Ohio. Affidavit, Appendix 5a, *infra*, shows that the appellant did contact a judge of the Supreme Court of Ohio upon his return to Ohio, and the finding made by the court on November 19, in item 5 was erroneous.

It is hard to understand why the appellant was ordered to appear on May 29, for one specification and given until June 15, to answer the others.

It is still more difficult to understand why the Supreme Court of Ohio should overrule a motion filed by the appellant December 31, 1963, to have all the specifications set down for hearing either before the court or a special master.[3] Appendix 7a.

Assuming that personal service was not necessary, resident service was made on May 27, for hearing on May 29. It only gave the appellant approximately thirty-six hours' notice. That period of time is inadequate and did not give the appellant proper opportunity to appear, secure counsel, and defend.

The failure to give reasonable notice is a violation of the due process clause.[4]

Prior to May 13, the appellant filed a motion stating that one week's notice was inadequate time to employ counsel and have them properly represent the appellant before the Supreme Court of Ohio and requested until June 15 to do so. Having heard nothing from the Supreme Court, the appellant went to Chicago on business expecting to be given time to employ counsel and have a hearing in which he would be present.

The attorneys approached prior to May 25 were reluctant to get involved in a criminal contempt action, so therefore on June 14, this appellant wrote to a great number of lawyers in Ohio outlining the situation as he understood it. A copy of the letter is in the record. The attorneys that answered were reluctant to accept employment, because they thought the judges of the Supreme Court were directly involved as well as the Ohio State Bar Association. They had no desire to get themselves involved. Several lawyers did agree to act as counsel, but the fees set were not within the realm of this appellant's

[3] Said motion was overruled January 22, 1964.

[4] *Powell* v. *Alabama*, 287 U.S. 68; *Snyder* v. *Mass.*, 291 U.S. 96; *Holm* v. *Conway*, 241 U.S. 624.

ability to pay. Appellant is sure that they were set so high, so the appellant would not employ them.

After discussing with one of the judges of the Supreme Court of Ohio how to get this matter that was pending against the appellant terminated, said judge suggested that the appellant employ an attorney and have him contact the court for a date to appear before the court. The appellant followed those instructions explicitly. Appendix 5a and 6a.

On the 14th day of November the appellant was detained by the sheriff of Champaign County and released under $10,000.00 bond by the Supreme Court of Ohio. The appellant was ordered to appear November 19. On November 18, an application was filed by the appellant for the court to appoint counsel for the said J. Harvey Crow.

On November 19, when the appellant appeared in person before the court, the record shows that the appellant again requested the court to appoint counsel, and one of the judges inquired what efforts were made to obtain counsel. Most of the 22 pages of the record on November 19 consist of and relate to the appointment of counsel for the appellant.

The question is, is a person charged with criminal contempt entitled to appointment of counsel?

In 1963, less than a year ago, this Honorable Court, speaking through the Honorable Justice Black, held that the Sixth Amendment guaranteeing right of counsel is one of the fundamental rights in the provision of the Bill of Rights which is fundamental and essential to a fair trial. It is made obligatory upon the states by the Fourteenth Amendment.

The assistance of counsel is one of the safeguards of the Sixth Amendment deemed necessary to insure fundamental human rights of life and liberty. *Gideon* v. *Wainwright*,

372 U.S. 335 (March 18, 1963).[5] Also *Hudson* v. *N. Carolina*, 363 U.S. 697 (1960).

It has been decided that there is a constitutional right to counsel in a criminal contempt proceeding growing out of a state investigation.[6]

The appellant was denied this fundamental right unless it can be said since he was not indigent he was not entitled to such assistance.

There certainly cannot be much difference between being unable to hire an attorney for the lack of funds or being unable to employ an attorney because the attorneys were afraid of being jeopardized on their behalf either by the court or the Bar Association as was indicated by the appellant to the court in the hearing on November 19, as shown in the record.

This Court has held that in a non-capital offense, if the accused in a state criminal prosecution has not had an opportunity to employ counsel, and his efforts in his behalf to employ counsel have been unavailing, the Constitution requires that the trial court either allow him a continuance in order to retain a lawyer or appoint counsel for him.[7]

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[5] Justice Black in the Gideon Case said any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be the obvious truth. Government, both state and federal, quite properly spend vast sums of money to establish machinery to try defendants accused of crime. Lawyers to prosecute are everywhere deemed essential to protect the public's interest in an orderly society. Similarly, there are few defendants charged with crime, few indeed, who fail to hire the best lawyers they can get to prepare and present their defenses.—Defendants who have the money hire lawyers to defend are the strongest indications of the wide spread belief that lawyers in criminal courts are necessities, not luxuries. The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours.

[6] *In Re Oliver*, 333 U.S. 257.

[7] *Cash* v. *Culver*, 358 U.S. 633 (1959).

Motion and brief to dismiss this appeal shows it was not made by the committee that filed the application but by the attorney for the court. They have never appeared since filing the application.

How can the Attorney General lose this action, when he has his client on the bench? What kind of justice do we have in Ohio, when the attorney for the court appears to prosecute a case?

This in itself requires that the appellant be given aid of legal counsel. The failure to do so surely is a denial of the due process clause.

One charged with violating any order or statute which might lead to conviction and incarceration in a jail is not in a state of mind or body to properly represent himself. He is a nervous, frustrated individual, not able to think clearly. He is not able to conduct or question the proceedings. Appellant knows, he was present. One not able to secure counsel, charged with criminal contempt certainly is in the same position as an indigent person charged with a crime, whether it be a misdemeanor or felony.

In the case of J. Harvey Crow, appellant, if the fine and jail sentence is allowed to stand, then appellant would have to serve about one and a half years in the county jail to pay the fine and costs (at $3.00 per day) and the thirty days imposed by the Ohio Supreme Court.

The failure of the court to appoint counsel or assist the appellant to have counsel is a violation of the due process clause. We trust this court will pass upon this important question.

CONTEMPT NO. 2

J. Harvey Crow, the appellant, was found guilty of criminal contempt as is shown in the Appendix 1a in the Jurisdictional Statement. The judgment of the court is in three branches. We will consider these branches separately.

In the language of the court

> "It is therefore Ordered, Adjudged and Decreed that respondent be fined $500 and imprisoned in the Franklin County Jail for ten days for contempt of this court demonstrated by his willful and continued failure to comply with the orders of this court issued to him on May 6, 1963, and May 22, 1963."

The facts relating to the order May 6, as is shown by the entry, Appendix 1 in the Jurisdictional Statement, refer to items 1, 2, 3, 4, and 5. A careful examination of the order to show cause served upon J. Harvey Crow on May 6 does not require J. Harvey Crow to do anything. Certain facts are set forth in the order to show cause found in the Jurisdictional Statement, pages 3a and 4a. The court said:

> "any of the facts with reference to the said appeal which are recited above and are not specifically denied by written answer positively verified shall be taken as true and as evidencing violation of the former order of this Court finding the said J. Harvey Crow in contempt."

The court must have contemplated that no answer would be filed, and it could hardly be said that J. Harvey Crow, in failing to file an answer, willfully failed to comply with the orders of this court. There were two orders on May 22

1. Extend the time to May 29 to answer specification A
2. A citation to appear in person on May 29, to answer specification A.

Said citation was issued by the court to the deputy marshal for service. The court must have thought personal service was required. Otherwise they would not have prepared the marshal's return, as is shown in the Appendix 4a of this reply brief. The marshal, not having been able to serve J. Harvey Crow, personally left it at his usual place of residence on the 27th day of May, 1963. This was only thirty six hours prior to the time that J. Harvey Crow was ordered into court. This was at a time that the appellant was on business in Chicago, Washington, D. C., and New York City.

On page 7 of the brief of the motion to dismiss, it says:

> "At the hearing on May 29, 1963, evidence was introduced to show that petitioner had knowledge of the hearing (May 29, 1963, Transcript p. 6)."

The appellant has not been afforded a copy of the transcript of the hearing even though one has been requested. He was permitted by the court reporter to see such transcript in the later part of February, 1964. See Affidavit No. 2. (Appendix 8a)

The evidence referred to was testimony by the clerk of the Supreme Court of Ohio to the effect that Mrs. Crow called the clerk and advised him that the appellant, J. Harvey Crow, was outside the state and wanted a continuance on the hearing until he returned. He further testified that Mrs. Crow told him that Mr. Crow knew about the hearing date on May 29.

First there is no competent evidence that Mrs. Crow did call. The appellant is sure that McMillam, the clerk, would not recognize Mrs. Crow's voice. It could have been the secretary from any office.

For the trial court to accept into evidence a statement of the clerk that someone told him over the telephone that the appellant had actual notice of a hearing date without any further proof is a violation of all rules of evidence. It

certainly would be *hearsay* evidence. For the Supreme Court of Ohio to prove notice of a hearing date by such *hearsay* evidence is a violation of the rules of evidence, a violation of the appellant's right to personal notice and service and the due process of law.

On the November 19 hearing, the appellant admitted that he received a copy of the order of May 22, through the mail, and it was received sometime after May 29. Under these circumstances it is impossible for the appellant to comply with the order May 22. Since it is shown he was not required to do anything under the order of May 6, the order of November 19 finding the appellant guilty of criminal contempt, demonstrated by his willful and continued failure to comply with orders of this court issued to him on May 6 and 22, 1963, is unfounded in fact. There is not one single fact in any record in this case to substantiate such finding by any competent piece of evidence.

Assuming that the appellant is in error in that there are no facts established by competent evidence, the trial court could not judge the appellant guilty of contempt until charges had been filed against the appellant in accordance with Ohio R. C. 2705.02.

The court itself used the word orders of May 6 and 22. Therefore it was the right of the appellant to be notified in writing by filing the same with the clerk, having an entry made upon the journal, and an opportunity to be heard by himself or counsel[8] as provided in Ohio R. C. 2705.03. The Ohio R. C. 2705.05 provides a day for trial and an opportunity to have the court investigate the charges and hear the answer of the accused or any testimony he offers. None of these rights were afforded the appellant.

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[8] It has been decided that there is a constitutional right to counsel in a criminal contempt proceeding growing out of a state investigation conducted before a judge sitting as a "one man Grand Jury." *In Re Oliver*, 333 U.S. 257.

This right to counsel was denied this appellant on this criminal contempt proceeding. As a matter of fact the appellant, J. Harvey Crow, did not know nor understand the court had under consideration any contempt as to item 2 set out.

He was aghast when Judge Taft read the Journal Entry passing sentence in this regard.

Finding the appellant guilty of criminal contempt was a violation of due process.

We believe this court should accept jurisdiction and decide the issue of this case.

CONCLUSION

Under our jurisprudence, the accused in a criminal contempt proceeding is entitled to

1. presumption of innocence,
2. not be compelled to testify against self,
3. advised as to charges against him,
4. reasonable time to prepare a defense,
5. benefit of compulsory process,
6. assistance of counsel,
7. an impartial arbiter of the facts.

A failure to give the accused any one of these rights is a denial of the due process clause.

An examination of the records in this case show the appellant was denied 5 or 6 of the rights set forth in each of the two findings of contempt against him.

Imposing the suspended sentence of October 21, 1959 would have to fall if the other two contempts are vacated. Therefore no time has been spent on that problem.

Appellant believes the questions presented in the Jurisdictional Statement are disclosed by the record, in favor of the appellant and need to be answered by this Honorable Court.

Appellant believes the federal questions presented are substantial and deserve plenary consideration by this court.

The motion to dismiss filed by William B. Saxbe, Attorney General of Ohio, as attorney for the Supreme Court of Ohio, should be overruled and this Court should admit this case for hearing on the merits.

Respectfully submitted,

J. Harvey Crow
St. Paris, Ohio
In Propria Persona

APPENDIX

IN THE SUPREME COURT OF OHIO

No. 35825

In the Matter of the

UNAUTHORIZED PRACTICE OF LAW

In re J. HARVEY CROW

Application

This is a continuation of the special proceeding commenced in this Court in October of 1958. This Application is submitted for the attention of this Court by the Chairman of the Unauthorized practice of Law Committee of the Ohio State Bar Association (who was one of the Applicants in the proceeding originally), pursuant to direction of that Committee and the authority of the Executive Committee of the Ohio State Bar Association. It is submitted on behalf of the Unauthorized Practice of Law Committee and the Ohio State Bar Association in discharge of the obligation of the members of the Bar of this Court to assist this Court in the administration of justice in the State of Ohio.

J. Harvey Crow, who is a disbarred attorney and not admitted to the practice of law in the State of Ohio, had engaged in numerous activities constituting the practice of law, which are a fraud upon the public and are in contempt of this Court. Pursuant to the Application filed in this proceeding in 1958, J. Harvey Crow was found to be in contempt of this Court and punishment suspended.

Since 1958 and up to the present time, respondent Crow has both openly and by a variety of fraudulent stratagems and concealments continued to practice law in Ohio, in flagrant violation of the rights of the public and in contempt of this Court. In addition to his overt practice,

among the fraudulent devices adopted by J. Harvey Crow and known to the Unauthorized Practice of Law Committee are the following:

a. The performance of legal services for a corporation, including the conduct of litigation, ostensibly as Corporate Secretary, a position procured by J. Harvey Crow for the sole purpose of affording a shield for the unauthorized practice of law.

b. The performance of legal services for individuals under color of a power of attorney.

c. Holding himself out as an attorney at law for the purpose of representing individuals for whom he employs other counsel to make court room appearances.

d. The conduct of litigation for persons under color of an assignment of an interest in property or a cause of action, such assignment being colorable only and obtained solely as a shield for the unauthorized practice of law.

e. Performance of legal services upon incorporation of a company under color of participation as a principal.

f. The performance of legal services under the pretense of acting as an "investigator."

g. The preparation of pleadings in court cases for signature and filing by individuals ostensibly acting on their own behalf.

h. The preparation of instruments in court cases, the signing of the name of another attorney thereto and then filing such instruments with court functionaries.

The conduct of J. Harvey Crow in continuing to practice law, both overtly and covertly, is in contempt of this Court and in violation of the condition of suspension of punish-

ment for early contempt, and if permitted to continue will result in great damage to the public and to the administration of justice.

WHEREFORE Applicants pray for the issuance of an order to the said J. Harvey Crow to show cause why he should not be punished for his conduct in deliberate contempt of this Court and in violation of its former orders, and that this Court make and issue such other appropriate orders as may be necessary in the premises to protect, maintain and preserve the constitutional authority and responsibility of this Court, and to this end enlist the entire resources of the Court, and the Association to which Applicants belong, for the purpose of implementing the necessary and appropriate instructions and orders of the Court in these premises.

LYMAN BROWNFIELD, CONRAD MAGRISH,
SAM F. SPOERL, JR., ROBERT M. BROWN,
CHARLES H. BOESCH, GRAFTON S. KENNEDY, JR.
RALPH S. BOGGS, ROBERT J. W. MEFFLEY,
MYRON E. CLICK, MERRITT W. GREEN,
ROBERT L. BROWN, RICHARD P. RANKIN,
LEWIS A. RANKIN, RICHARD L. EISNAUGLE,
RAY MILLER, H. RAMOND LINDAMOOD,
PATRICK O. SIMON, JOHN L. WOLFE,
RAYMOND E. COOKSTON, JOSEPH SASLAW,
ALBERT R. TEARE, WILLIAM W. WEIR,
EDWARD ROBERTS, WILLIAM K. YOST,
ALTON L. RINIER, JAMES R. STEPHENSON.

Chairman

STATE OF OHIO }
FRANKLIN COUNTY } ss:

Lyman Brownfield, having been first duly sworn, says that he is the Chairman of the Unauthorized Practice of Law Committee of the Ohio State Bar Association, a member of the Bar of this Court and one of the Applicants herein, and that the facts and allegations contained in the foregoing Application are true.

LYMAN BROWNFIELD

Sworn to before me and subscribed in my presence this ..... day of May, 1963.

Notary Public

BEFORE THE SUPREME COURT OF OHIO

Citation

TO THE DEPUTY MARSHAL:

You are commanded to notify J. HARVEY CROW, 363 N. High Street, Columbus, Ohio or St. Paris, Ohio, that he has been cited to appear in person before The Supreme Court of Ohio, State House Annex, Columbus on Wednesday, May 29, 1963 at 10:00 o'clock A.M. then and there to answer to Specification A of an Application filed in this Court on May 3, 1963 which application together with an Order to Show Cause was served on J. Harvey Crow on May 6, 1963.

You shall make due return of service forthwith.

C. WILLIAM O'NEILL

MARSHAL'S RETURN

On this 22nd day of May, 1963, I served the above named J. Harvey Crow by personally handing him a true and correct copy of the above Citation.

Deputy Marshal

IN THE SUPREME COURT OF OHIO

Case No. 35825

In the Matter of the

UNAUTHORIZED PRACTICE OF LAW

In re J. HARVEY CROW

Affidavit

STATE OF OHIO)
FRANKLIN COUNTY) ss:

J. Harvey Crow, being first duly sworn, deposes and says that on or about October 7, 1963, this affiant called a Judge of the Supreme Court of Ohio by telephone. Said telephone call was made from Columbus to the said Judge's office located in the Capitol Building Annex, Columbus, Ohio.

This affiant advised said Judge he had returned to Ohio and requested permission to come to see said Judge. This affiant was advised by the Judge that this was not necessary. This affiant further says he requested that said Judge advise said affiant what to do to get the proceedings instituted against him terminated. Said Judge told this affiant to employ an attorney, have said attorney so employed contact the Court and make a date for appearance before the Court.

This affiant did as directed and personally contacted two or three lawyers every week from said date on, for the purpose of obtaining counsel to arrange for such appearance and to represent this affiant at any hearing.

A few of the attorneys personally interviewed are as follows: Kusworm and Kusworm, Mason Douglas of Dayton, Ohio, Guy Martin, Robert L. Summers, Gordon Bolon, and Clyde Elliott of Columbus, Ohio, Jack Day and

William Blake of Cleveland, Ohio, Forest E. Blankenship of Troy, Ohio.

Some of the attorneys contacted referred me to others and were too busy to accept employment at said time. These contacts were made to carry out the Judge's request to arrange my appearance before the Supreme Court.

This affiant further says that one attorney, Robert L. Summers, did go to the office of the Clerk of the Supreme Court of Ohio, Columbus, Ohio, advised said office that this affiant had contacted him requesting the said Mr. Summers to represent this affiant in said matter. The Clerk's office showed the said Mr. Summers the files and all the applications and orders in said files. Said Mr. Summers tried to find out if the respondent, J. Harvey Crow, would be given a hearing on the Application, but was given no such assurance.

This affiant says that the above facts regarding the personal telephone contact of the respondent, J. Harvey Crow, with a Judge, and the personal contact of Mr. Summers with the Clerk's office, were known to the Court on November 19, 1963, or should have been known to the Court at said time.

That from the above facts, the second portion of Item 5 of the entry of November 19, 1963, is erroneous, and known by the Court to be untrue at the time it was made. The portion of Item 5 referred to follows: "Respondent made no attempt to appear before this Court prior to November 13, 1963."

This affiant says he made no attempt to contact the Court on November 13, 1963, but on November 14, 1963, the Court for the first time since June set a new date for the appearance of the respondent, J. Harvey Crow, before the Court; to wit November 19, 1963, at which time the

said J. Harvey Crow appeared as requested after being personally served to appear.

Further this affiant sayeth not.

/s/ J. Harvey Crow
J. Harvey Crow

Sworn to before me and subscribed in my presence this 25th day of November, 1963.

Thomas S. [Illegible]
Notary Public
Attorney-at-Law
Notary Public—State of Ohio

Filed Dec. 31, 1963

IN THE SUPREME COURT OF OHIO

No. 35825

In the Matter of the

Unauthorized Practice of Law

In re J. Harvey Crow

Application to Assign Case for Hearing

This respondent respectfully requests this Hon. Court to assign the Application and Supplement to Application for hearing, either before a special master or before this Hon. Court or a member thereof so that if there is any finding against the respondent in regards to items b to h inclusive, or 1-5 inclusive this whole case can be presented to the U. S. Supreme Court at one and the same time.

Respectfully submitted,

J. Harvey Crow

Proof of Service

I hereby certify that I mailed a copy of the above answer to Larry Snyder, atty. for committee, this .... day of December, 1963.

J. Harvey Crow

Affidavit No. 2

STATE OF OHIO }
FRANKLIN COUNTY } ss:

J. Harvey Crow, being duly sworn, deposes and says that this affiant went to the office of the Clerk of the Supreme Court of Ohio on or about the 21st day of Feb. 1964 and requested a copy of the transcript of the proceedings on May 29, 1963.

Said office denied such request and refused to show this affiant such a copy.

Thereafter this affiant went to the office of Ed Hammock, who was employed by the Supreme Court of Ohio to make a record of those proceedings and requested the reporter to give or to sell a copy to J. Harvey Crow, this affiant. Said request was refused.

This affiant again on the 12th day of March, 1964 went to the office of Ed Hammock, and said reporter again refused to give or to sell a copy to said J. Harvey Crow.

Affiant took his photocopy machine to Ed Hammock's office on March 12, 1964 and said Ed Hammock refused J. Harvey Crow permission to make a copy on his photocopy machine.

Further this affiant sayeth not.

/s/ J. HARVEY CROW

Sworn to before me and subscribed in my presence this 12th day of March, 1964.

/s/ OLIVE G. ANDERSON
(Seal) *Notary Public.*

Olive G. Anderson
Notary Public, Franklin County, Ohio
My Commission Expires March 19, 1964